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Dated: April 15, 2011
Electronic Signature for James E. Armstrong, IV: /James E. Armstrong, IV/

Docket No.: 80246(302741)
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Gen-Ichiro Soma et al.

Application No.: 10/572,853

Confirmation No.: 9265

Filed: February 9, 2007

Art Unit: 1655

For: METHOD FOR FERMENTATION AND
CULTIVATION, FERMENTED PLANT
EXTRACT, FERMENTED PLANT EXTRACT
POWDER, AND COMPOSITION
CONTAINING THE EXTRACT OF
FERMENTED PLANT

Examiner: Q. Mi

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir/Madam:

In response to the election requirement, applicant hereby elects the species covered by wheat flour (food grain) encompassed by claims 12-14, 16-22, 28-29 and 39, without traverse.

Applicant's election is made without prejudice. As noted by the Examiner, upon the allowance of a generic claim, Applicant will be entitled to consideration of claims to not more than a reasonable number of species in addition to the elected species, provided that all claims to each additional species are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.146.

In any event, Applicant reserves the right to file one or more divisional applications directed to the non-elected claims prior to issuance of any patent maturing from the instant